

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CHI CHEN, PI-CHUAN CHANG, PI-SHAN
10 CHANG, SHUQIN CHEN, XIANGLI
11 CHEN, BINGXIN FAN, QIANG GUO,
12 JINSONG HUANG, LIHUA HUANG,
13 JIAPING JIANG, XIAOWEN JIN,
14 CHENMIN LI, JINGHAN LI, YUN LIU,
15 XIAOWEN PAN, XIAOLI SONG, JINGUO
16 WANG, JIE XIONG, BIN XU, LU YU,
17 QIANG ZHAO, YANYI ZHAO,
18 WENQUAN ZHI, QUAN ZHOU, YIQIN
19 CHEN, KE LI, MING LI, LEI WANG, and
20 ZHISHENG YUAN,

21 Plaintiffs,

22 v.

23 U.S. BANK NATIONAL ASSOCIATION;
24 QUARTZBURG GOLD, LP; ISR
25 CAPITAL, LLC; IDAHO STATE
26 REGIONAL CENTER, LLC; and SIMA
27 MUROFF,

Defendants.

NO. 2:16-cv-01109-RSM

**JOINT STATUS REPORT AND
STIPULATED MOTION AND ORDER
TO EXTEND STAY**

STIPULATED MOTION TO EXTEND STAY
2:16-cv-01109-RSM

4839-5654-0256\1

DORSEY & WHITNEY LLP
701 FIFTH AVENUE, SUITE 6100
SEATTLE, WA 98104-7043
PHONE: (206) 903-8800
FAX: (206) 903-8820

1 All parties to this action (the “Parties”) hereby respectfully submit this Joint Status
2 Report and Stipulated Motion to Extend Stay. As set forth herein, the Parties stipulate to and
3 jointly request that activity in this case continue to be stayed, with the Parties to submit a further
4 joint status report within ninety days. Good cause, including judicial economy and efficiency for
5 the Parties, supports this stipulated motion.¹

6 On December 28, 2017, the Parties submitted their Joint Status Report and Stipulated
7 Motion and Order to Strike Case Schedule and Trial Date (“First Stipulated Motion”). Dkt. 95.
8 In their First Stipulated Motion, the Parties described the background of this litigation and the
9 subsequent events and related litigation that have significantly impacted it. *Id.* (For efficiency
10 and to avoid unnecessary repetition, the Parties incorporate by reference and will not restate their
11 prior description of these issues). On January 2, 2018, this Court granted the First Stipulated
12 Motion. Dkt. 96. Per the Parties’ stipulation, the Court ordered that the case schedule and trial
13 date in this case be stricken, and further ordered the Parties to submit a further joint status report
14 and a proposed case schedule within ninety days. *Id.* This joint submission timely follows.

15 As detailed in the First Stipulated Motion, one of the primary reasons the Parties had
16 initially entered into a series of informal stays and ultimately filed the First Stipulated Motion
17 was the potential significant effect on this case of the ongoing administrative and litigation
18 proceedings involving United States Citizenship and Immigration Services (“USCIS”), the
19 government agency responsible for adjudicating Plaintiffs’ immigration petitions. Also as
20 detailed in the First Stipulated Motion, USCIS has re-opened and has been reconsidering the
21 immigration petitions of Plaintiffs and other investors, on remand from a court order in related
22 ongoing litigation (*John Doe et al. v. USCIS*, D.D.C. Case No. 1:15-cv-00273). USCIS
23 originally denied the applications but is now reconsidering that decision. The ongoing USCIS
24 reconsideration process and related litigation are of direct relevance to the Parties’ claims and

25 ¹ This case and its companion case (*Chi Chen et al. v. U.S. Bank National Association et al.*, Case No.
26 2:16-cv-1109-RSM, and *Mao et al. v. U.S. Bank National Association et al.*, Case No. 2:16-cv-1113-
27 RSM), both arise from the same underlying factual circumstances and present the same relevant issues.
Substantively identical versions of this stipulated motion are being filed in both the *Chen* and the *Mao*
cases.

1 defenses here. If the ultimate result of the USCIS reconsideration or related litigation was that
2 the immigration petitions of the investor-plaintiffs were approved, that could have a very
3 significant impact on the claims being asserted in the cases before this Court. The interests of
4 judicial economy and efficiency to the Parties therefore strongly support waiting for the
5 reconsidered decision from USCIS before incurring the potentially needless burden and expense
6 that would be associated with discovery and other events in this litigation.

7 USCIS had initially stated that it anticipated issuing new decisions in approximately the
8 early Spring of 2018, which is what the Parties previously informed this Court in the First
9 Stipulated Motion. However, USCIS has not yet issued any decisions and has recently informed
10 counsel that it now anticipates decisions being made in or about May 2018. Thus, the reasons
11 for staying this case are the same now as they were when the case schedule was stricken in
12 January, and the Parties are not yet in a position to evaluate how that USCIS decision will impact
13 the claims at issue in this case or make any proposals as to a new case schedule. The Parties
14 agree it is in their best interests for the stay to continue at this time.

15 Accordingly, for the reasons set forth herein and for purposes of efficiency for the Parties
16 and judicial economy, the Parties stipulate to and jointly request that activity in this case
17 continue to be stayed, with the Parties to submit a further joint status report, together with a
18 proposed case schedule if appropriate, within ninety days.

Stipulated and Respectfully Submitted this 2nd day of April, 2018.

/s/ Shawn Larsen-Bright

Peter Ehrlichman, WSBA #6591
Shawn Larsen-Bright, WSBA #37066
Dorsey & Whitney LLP
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7043
(206) 903-8800
ehrllichman.peter@dorsey.com
larsen.bright.shawn@dorsey.com
*Attorneys for Defendant U.S. Bank National
Association*

/s/ Michael Black (per email authorization)

Michael Black, *admitted pro hac vice*
Rita M. Cornish, *admitted pro hac vice*
April M. Medley, *admitted pro hac vice*
Parr Brown Gee & Loveless
101 South 200 East, Suite 700
Salt Lake City, UT 84111
mblack@parrbrown.com
rcornish@parrbrown.com
amedley@parrbrown.com
and
Lawrence Carl Locker, WSBA #15819
Steven O. Fortney, WSBA # 44704
Summit Law Group
315 Fifth Avenue South, Suite 1000
Seattle, WA 98104-2682
(206) 676-7000
larryl@summitlaw.com
stevef@summitlaw.com
Attorneys for Plaintiffs

/s/ Eric Swartz (per email authorization)

Eric B. Swartz, *admitted pro hac vice*
Jones & Swartz PLLC
623 W. Hays Street
Boise, ID 83702
(208) 489-8989
eric@jonesandswartzlaw.com
and
Thomas M. Brennan, WSBA #30662
P.O. Box 1384
Edmonds, WA 98026
(425) 967-3550
tom@brennanlegalpllc.com
Attorneys for Defendant Sima Muroff

/s/ Sean Prosser (per email authorization)

Sean C. Knowles, WSBA #39893
Austin J. Rice-Stitt, WSBA #42166
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
SKnowles@perkinscoie.com
ARiceStitt@perkinscoie.com
and
Sean T. Prosser, *admitted pro hac vice*
Perkins Coie LLP
11988 El Camino Real, Suite 350
San Diego, CA 92130-2594
SProsser@perkinscoie.com
*Attorneys for Defendants Quartzburg Gold,
LP, ISR Capital LLC and Idaho State Regional
Center, LLC*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Parties are directed to submit a further joint status report, together with a proposed case schedule if appropriate, within ninety (90) days of the date of this Order.

Dated this 5th day of April 2018.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE